

REMARKS

By this amendment, the Applicants cancel claims 92-97, 100, 114 and 341-346.

Therefore, on entering this amendment, claims 66-91, 98, 99, 101-113, 115-117, 332-340 and 347-349 are all the claims pending in the application.

Claims 76, 82, 98-99, 102, 108, 110, 117, 338-340, and 347-349 are rejected under 35 U.S.C. § 112, second paragraph.

Claims 92-94, 97, 100, 114, 341-343, and 346 are rejected under 35 U.S.C. 103(a) as being unpatentable over WICHMANN et al. in view of Thomas (5,869,673).

Claims 92-96, 100 and 341-345 are 35 U.S.C. § 103(a) as being unpatentable over KLIEM et al. (Experimental Hematology (1997) vol. 25 (8), pp. 899) in view of THOMAS (U.S. Patent No. 5,879,673).

The Applicants traverse the rejections and request reconsideration.

Objections to the Drawings

The Examiner contends that the Amendments to the drawings make Fig.7 and 8 incomprehensible. However, in addition to making the amendments to the drawings, the Applicants had amended the Specification to include two paragraphs on page 115 with appropriate clarifications (for example, “dotted line,” “solid line,” etc.). For further clarification, these two paragraphs are further amended so that the references to the items in the figures are absolutely clear to a skilled artisan.

It should be noted that the added text were part of originally submitted Figs. 8 and 9 (which have now been renumbered as Figs. 7 and 8), and therefore, the Applicants respectfully submit that no new matter is added.

Claim Objections

Claims 79 and 105 have been amended to obviate the grounds for their objections.

Claim Rejections under 35 U.S.C. § 112

Claims 76, 82, 84, 98-99, 102, 108, 110, 117, 338-340, and 347-349 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 76 and 102 have been amended to recite “an effect of apoptosis on cell numbers.”

These changes are believed to be fully supported at least, for example, on page 11.

Claims 82 and 108 are amended to rectify the noted antecedence problems.

Claims 84, 110, 98, 338 and 347 have been amended to clarify the issues raised by the Examiner. It is believed that the changes are supported at least, for example, on pages 97-99 and 114-115, respectively.

Claims 117, 340 and 349 are amended to overcome the noted antecedence problems.

The Applicants respectfully submit that no new matter has been added by these amendments.

Claim Rejections under 35 U.S.C. § 103

For a speedier prosecution of this case claims 92-97, 100, 114, 341-346 have been deleted, rendering their rejection in the present case moot.

The Applicants reserve the right to pursue them in continuing applications.

Amendment under 37 C.F.R. § 1.111
U.S. Application No.: 09/827,229

Attorney Docket No.: Q63893

Allowable Subject Matter

Since there are no pending grounds for the rejection of the claims, all the pending claims are believed to be allowable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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